

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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19-cv-05907

YONG XIONG HE,

Plaintiff,

ANSWER

-against-

CHINA NEW STAR RESTAURANT, INC.,
WAI SHUN CHAN a/k/a Vincent Chan,
WAI LEUNG CHAN, and
WAI WEN CHAN a/k/a Daniel Chan,
PO KUM CHAN (a/k/a Po Kum Ng),
RONALD CHAN, ROY CHAN, JIAZHEN LIAO,
CHING MAN HONG CHAN (a/k/a Hong Ching Man
Chan), JOSEPH CHAN and ELTON CHAN,

Defendants.

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Defendants, CHING MAN HONG CHAN (a/k/a Hong Ching Man Chan), JOSEPH CHAN and ELTON CHAN, represented by their attorneys, BROSTOWIN & ASSOCIATES, PC, as and for their Answer to Plaintiff's Amended Supplemental Complaint herein respectfully answers such complaint and alleges as follows upon information and belief:

- 1) Acknowledges the allegations as set forth in ¶¶ 9, 10, 11, 12, 13, 14, and 15 of the Amended Supplemental Complaint.
- 2) Denies the allegations as set forth in ¶4 as it relates to the transfer of assets "without receiving consideration".
- 3) No response is required to the following allegations as set forth in ¶¶ 1, 7, 8, 23, 27, 31, 35, 39, 44, and 48 of the Amended Supplemental Complaint.

- 4) Denies knowledge or information sufficient to formulate a belief as to the allegations as set forth in ¶¶ 2, 3, 6, 16, 17, 18, 19, 22, 24, 25, 26, 28, 29, 30, 32, 33, 34, 45, 47, and 49 of the Amended Supplemental Complaint.
- 5) Denies the allegations as set forth in ¶¶ 5, 20, 21, 36, 37, 38, 40, 41, 42, 43, 50, 51, 52, and 53 of the Amended Supplemental Complaint.
- 6) As to the allegations as set forth in ¶ 46 of the Amended Supplemental Complaint, Defendants defers all questions of law to the Court, and thus no response is required.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

- 7) The Plaintiff has failed to state a legally cognizable cause of action.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

- 8) The damages allegedly suffered by Plaintiff were not caused by any act or omissions to act on the part of the Defendants but were caused solely by the Plaintiff

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

- 9) This action is barred by the applicable Statutes of Limitation.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

- 10) Plaintiff lacks standing to bring or maintain this action.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

- 11) This action constitutes an abuse of process, in that it is brought and prosecuted for the improper and collateral purpose of harassing and attacking the Defendants.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

- 12) This Court lacks personal jurisdiction over the Defendants

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

- 13) This Court lacks jurisdiction over the answering Defendants because of the lack of contacts, authority and business activity to subject them to such jurisdiction.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

- 14) There was no fraudulent intent attached to the transfer of assets.

WHEREFORE, the Defendants demands:

- a) a judgment dismissing the Complaint;
- b) that the Court award such other and further relief as to the Court that seems just and proper, together with costs and disbursements.

Dated: New York, New York
August 21, 2020

By:


TERRY A. BROSTOWIN, ESQ.

BROSTOWIN & ASSOCIATES, PC

Attorneys for Defendants

CHING MAN HONG CHAN (a/k/a Hong Ching Man Chan), JOSEPH CHAN and ELTON CHAN

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